

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re Ex Parte Application of

ELEMENT SIX TECHNOLOGIES LIMITED

Applicant,

-against-

Pure Grown Diamonds, Inc.

Respondent.

Case No. 1:18-mc-00418

DECLARATION OF
TAI-HENG CHENG

I, Tai-Heng Cheng, declare as follows:

1. I am an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Respondent Pure Grown Diamonds, Inc. (“PGD”). I am a member in good standing of the state bar of New York. I make this declaration based on personal knowledge and, if called upon to do so, could testify competently thereto.

2. I submit this declaration in support of PGD’s Opposition to Element Six Technologies, Limited’s Application Pursuant to 28 U.S.C. § 1782.

3. Annexed hereto as Exhibit A is a true and correct copy of an online article from the Washington Post titled “A diamond is forever – and forever now costs \$200 from De Beers”, available at <https://www.mercurynews.com/2018/06/02/a-diamond-is-forever-and-forever-now-costs-200-from-de-beers/>.

4. Annexed hereto as Exhibit B is a true and correct copy of an online article from The National titled “The lab-grown gems threatening the diamond industry,” available at <https://www.thenational.ae/business/money/the-lab-grown-gems-threatening-the-diamond-industry-1.714105>.

5. Annexed hereto as Exhibit C is a true and correct copy of an online article from The New York Times titled “‘Diamonds Are Forever,’ and Made by Machine,” available at <https://www.nytimes.com/2018/05/29/business/de-beers-synthetic-diamonds.html>.

6. Annexed hereto as Exhibit D is a true and correct copy of an online article from Forbes titled “Diamonds Disrupted: How Man-Made Diamonds Will Disrupt The Mined-Diamond Industry,” available at <https://www.forbes.com/sites/pamdanziger/2017/09/02/diamonds-disrupted-how-man-made-diamonds-will-disrupt-the-mined-diamond-industry/#5799b526f529>.

7. Annexed hereto as Exhibit E is a true and correct copy of an online article from Forbes titled “De Beers Sees The Light, Launches Lab-Grown Diamond Line,” available at <https://www.forbes.com/sites/pamdanziger/2018/05/30/de-beers-makes-lab-grown-diamonds-its-own-response-to-market-demand-or-monopolist-move/#3f0ad2613c13>.

8. Annexed hereto as Exhibit F is a true and correct copy of the June 4, 2018 Notes of Evidence for Ila’s application to withdraw Element Six’s interrogatories in the Singapore Action.

9. Annexed hereto as Exhibit G is a true and correct copy of the June 7, 2018 Notes of Evidence for Ila’s application to withdraw Element Six’s interrogatories in the Singapore Action.

10. Annexed hereto as Exhibit H is a true and correct copy of the August 14, 2018 Notes of Evidence recording A.R. Yeo’s judgment on Ila’s application to withdraw Element Six’s interrogatories in the Singapore Action.

11. Annexed hereto as Exhibit I is a true and correct copy of the August 27, 2018 Notes of Evidence recording A.R. Yeo's judgment on Element Six's Application for Specific Discovery in the Singapore Action.

12. Annexed hereto as Exhibit J is a true and correct copy of the June 7, 2018 Notes of Evidence on Element Six's Application for Specific Discovery in the Singapore Action.

13. I understand that the aforementioned Notes of Evidence listed in Exhibits E through J have been redacted in parts pursuant to the implied undertaking between the parties in the Singapore Action not to use documents disclosed during discovery in those proceedings for a collateral purpose.

14. Annexed hereto as Exhibit K is a true and correct copy of the September 7, 2018 Letter from Element Six's Singapore Counsel to The Learned A.R. Justin Yeo on the Rejected Draft Order of Court in Respect of SUM 1478.

I declare under penalty of perjury that the foregoing is true and correct.
Executed in New York, New York, on October 12, 2018.

/s/ Tai-Heng Cheng
Tai-Heng Cheng